



ATTORNEY DOCKET NO.
063170.6653

PATENT APPLICATION
09/811,848

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Doron (nmi) Elgressy, et al.
Serial No. 09/811,848
Filing Date: October 13, 1999
Group Art Unit: 2137
Examiner: Courtney D. Fields
Title: METHOD AND SYSTEM FOR THE PREVENTION OF
UNDESIRABLE ACTIVITIES OF EXECUTABLE OBJECTS

MAIL STOP AF
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir:

PRE-APPEAL BRIEF REQUEST FOR REVIEW

The following Pre-Appeal Brief Request for Review ("Request") is being filed in accordance with the provisions set forth in the Official Gazette Notice of July 12, 2005 ("OG Notice"). Pursuant to the OG Notice, this Request is being filed concurrently with a Notice of Appeal. The Applicants respectfully request reconsideration of the Application in light of the remarks set forth below.

REMARKS

Claims 1-16 and 18-33 are pending in the Application. The Examiner has rejected Claims 1-16 and 18-33. Applicants contend that the rejection of Claims 1-16 and 18-33 on prior art grounds contain clear legal and factual deficiencies, as described below. In a Final Office Action dated February 23, 2006, Claims 1-5, 10-16, 18-20, and 31-33 were rejected as being unpatentable over U.S. Patent No. 6,167,520 issued to Touboul et al. (hereinafter "*Touboul*"), and Claims 6-9 and 21-30 were rejected as being unpatentable over *Touboul* in view of U.S. Patent No. 5,623,600 issued to Ji (hereinafter "*Ji*"). Applicants request a finding that these rejections are improper and allowance of these claims.

Independent Claim 1 is allowable because *Touboul* fails to disclose, teach, or suggest, explicitly or inherently, at least, "denying one or more threads of an application access to a secured resource if said one or more threads has previously exhibited Internet behavior and has not met a specific condition for accessing said secured resource." Regarding this limitation, the Examiner, in the Final Office Action, points to *Touboul*'s event router that "determines whether any of the incoming Downloadables 140 either alone or in combination are known or previously determined to be suspicious." Col. 5, ll. 44-46. The Examiner states that the "[s]uspicious operations are denied if the runtime monitor detect[s] [a] violation of an applet using more than two megabytes of RAM or when the Java virtual machine attempt[s] to run more than five applets concurrently." *Final Office Action*, p. 4. The above passage fails to disclose at least the above-cited limitation. Applicants contend that the rejection is not supported for the reasons described in Applicants' Response dated April 24, 2006 (hereinafter "Response") at pages 8-9 under the header "Section 102 Rejection." Particularly, the teachings of *Touboul* regarding a denial of "suspicious operations" do not disclose or suggest denying "access to a secured resource." Furthermore, the teachings of *Touboul* regarding violations of "using more than two megabytes of RAM or when the Java virtual machine attempt[s] to run more than five applets concurrently" do not disclose or suggest "previously exhibited Internet behavior and [] me[eting] a specific condition for accessing said secured resource."

The Advisory Action mailed May 17, 2006 states that the Response does not place the application in condition for allowance. The Examiner merely recites arguments presented in

the Final Office Action and characterizes a limitation of Claim 1, which does not correspond to the actual language of Claim 1. *See Advisory Action*, p. 2 (“[w]hen the thread . . . attempts to access a secured resource . . . , the thread is denied access if the Internet behavior of the downloadable exhibits suspicious behavior and violates . . . the security policy rules.”).

Because the Examiner has failed to establish a *prima facie* case for rejecting Claim 1, Applicants submit that Claim 1 should be allowed in addition to Claims 2-16 and 18-33 for the same or analogous reasons.

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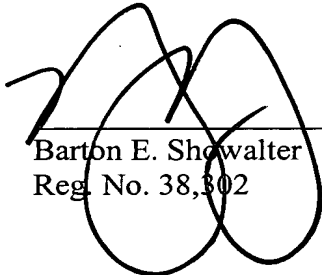
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CONCLUSION

As the rejection of Claims 1-16 and 18-33 contain clear deficiencies, Applicants respectfully request a finding of allowance of Claims 1-16 and 18-33. To the extent necessary, the Commissioner is hereby authorized to charge any amount required or credit any overpayment to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,
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Date: May 23, 2006

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